

## **Chapter 18.155**

### **DEVELOPMENT REVIEW PERMIT**

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#### **18.155.010 Purpose.**

This chapter establishes objectives, standards, and procedures for conducting and issuing development review permits for the purpose of identifying, maintaining, strengthening, and enhancing a neighborhood and zoning district's cohesive and distinctive physical characteristics. These regulations shall be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval. The specific purposes of development review are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
  - B. Ensure that new and modified uses and development will conform to all of the regulations and standards of this code and be compatible with the existing and potential development of the surrounding area; and
  - C. Supplement other city regulations and standards in order to ensure control of aspects of design that are not otherwise addressed. [Ord. 14-12 § 1; Res. 14-36 § 505.01.]
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### **18.155.020 Applicability.**

A development review permit is required for uses or developments identified in Division 2, Base Zoning Districts, Division 3, Overlay Districts, and/or any other section of this code that requires development review. The provisions of this section may apply to projects that do not require review under MCC Title [17](#), Subdivisions, depending on the scope of the project and if a subdivision will be requested or required concurrently or in the future. Appropriate procedures should be identified at a preliminary review meeting. When there are projects that are subject to both sets of regulations, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply. The development review permit process is intended to replace the prior zoning code site plan review procedures. Site plan approval under the previous code shall expire within one year of the adoption of this code, or at a time specified as a condition of approval, whichever comes first. [Ord. 14-12 § 1; Res. 14-36 § 505.02.]

### **18.155.030 Application requirements.**

Applications and fees for development review permits shall be submitted in accordance with the provisions set forth in MCC [18.140.020](#), Application Submittal and Review. In addition to any other application requirements, the application for a development review permit shall include data or other evidence in support of the applicable findings required in this chapter. [Ord. 14-12 § 1; Res. 14-36 § 505.03.]

### **18.155.040 Minor development review permit.**

A. *Applicability.* A minor development review permit is required for all new and modified buildings or structures, or for expansions to a building or structure that result in an increase less than 5,000 gross square feet or 20 percent of the existing building area, alter more than 10 percent of the surface area of the exterior portion of any facade, or as otherwise required in this code. A minor development review permit is not required for individual single-unit dwellings or second dwelling units on separately owned lots.

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B. *Determination.* The zoning administrator shall conduct review of all minor development permits and shall approve, conditionally approve, or deny applications based on required findings and criteria in this chapter. An approved minor development review permit may include attachments of other written or graphic information, including but not limited to statements, numeric data, site plans, floor plans, elevations, sections, material samples, as a record of the proposal's conformity with the applicable regulations of this code.

C. *Referral to Planning Commission.* The zoning administrator may direct that a request be heard by the planning and zoning commission based on a review that includes, but is not limited to, the following factors:

1. Previous decisions by the city regarding the site on which the proposal is located;
2. The probable impact of the requested use on its immediate surroundings; and
3. The consistency of the requested use with the projected land uses and policies of the general plan.

D. *Conditions.* A minor development review permit may have conditions of approval imposed, consistent with MCC [18.155.080](#). [Ord. 14-12 § 1; Res. 14-36 § 505.04.]

### **18.155.050 Major **D**evelopment review permit.**

A. *Applicability.* A major-development review permit is required for all new and modified buildings or structures, or for alterations to a building or structure that result in over 5,000 additional gross square feet, facade alterations that encompass more than 10 percent of the surface area, or as otherwise required in this code.

B. *Public Notification.* ~~Major development review permits shall be subject to a hearing by the planning and zoning commission, which shall review the recommendation of the zoning administrator and approve, conditionally approve, or disapprove the application.~~ The issuance of a major development review permit may require that the existing development site be brought into substantial conformance with the terms and standards of this code. Notice of the proposed ~~planning and zoning commission meeting to consider a major~~ development review permit shall be posted on the subject property for a period of 15 days ~~prior to the zoning hearing.~~ Notice shall also be mailed to property owners within ~~6300~~ 300 feet of the property

boundaries proposed for the temporary use, in accordance with MCC [18.140.050\(F\)\(1\)](#). Additional notification may be required at the zoning administrator's discretion.

**Determination.** The zoning administrator shall conduct review of all major development review permits and shall approve, conditionally approve, or deny applications based on required findings and criteria in this chapter. An approved major development review permit may include attachments of other written or graphic information, including but not limited to statements, numeric data, site plans, floor plans, elevations, sections, material samples, as a record of the proposal's conformity with the applicable regulations of this code.

C. *Conditions.* A major development review permit may have conditions of approval imposed, consistent with MCC [18.155.080](#). [Ord. 14-12 § 1; Res. 14-36 § 505.05.]

D *Referral to Planning Commission.* The zoning administrator may direct that a request be heard by the planning and zoning commission based on a review that includes, but is not limited to, the following factors:

1. Previous decisions by the city regarding the site on which the proposal is located;
2. The probable impact of the requested use on its immediate surroundings; and
3. The consistency of the requested use with the projected land uses and policies of the general plan.

### **18.155.060 Scope of development review.**

Development review shall be based on consideration of the requirements of this chapter as they apply to the design of the site plan, structures, landscaping, signs, and other physical features of a proposed project, including but not limited to:

- A. Building proportions, massing, and architectural details;
  - B. Site design, orientation, location, and architectural design of buildings relative to existing structures, outdoor areas, walkways, trails, and streets on or adjacent to the property;
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- C. Topography, and other physical features of the natural and built environment;
- D. Size, location, design, development, and arrangement of circulation, parking, pedestrian ways, and other paved areas;
- E. Exterior colors and materials as they relate to each other, to the overall appearance of the project, and to surrounding development;
- F. Height, materials, colors, and variety of fences, walls, and screen plantings;
- G. Location and screening of mechanical equipment and refuse storage areas;
- H. Location and design of exterior lighting features;
- I. Location and type of landscaping, including selection and size of plant materials, design of hardscape, and irrigation; and
- J. Size, location, design, color, lighting, and materials of all signs. [Ord. 14-12 § 1; Res. 14-36 § 505.06.]

### **18.155.070 Required findings.**

When conducting development review, the ~~decision-making body~~ **Zoning Administrator** shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the general plan and any applicable specific or PAD plan, the regulations and standards in this code, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain development review approval, projects must satisfy these criteria to the extent they apply:

- A. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, will enhance the appearance and features of the project site and surrounding natural and built environment.
  - B. The project site plan is appropriate to the function of the project and will provide a suitable environment for occupants, visitors, and the general community.
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- C. Project details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- D. The project is compatible with neighboring development by avoiding big differences in building scale and character between developments on adjoining lots in the same zoning district and providing a harmonious transition in scale and character between different districts.
- E. The project contributes to the creation of a visually interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context that promotes increased pedestrian activity and compatibility among neighboring land uses within the same or different districts.
- F. The streetscapes, including trees, lighting, and pedestrian furniture, are consistent with the character of commercial districts and adjacent residential neighborhoods.
- G. Street frontages are attractive and interesting for pedestrians and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.
- H. The proposed landscaping plan is suitable for the type of project and site conditions and will improve the appearance of the community by enhancing the building and site design; and the landscape plan incorporates plant materials that are drought tolerant, will minimize water usage, and are compatible with Maricopa's microclimate. [Ord. 14-12 § 1; Res. 14-36 § 505.07.]

### **18.155.080 Conditions of approval.**

The ~~decision-making body~~ **Zoning Administrator** may impose reasonable conditions on a development review permit that are related and proportionate to what is being requested by the application in order to ensure that the standards and requirements of this code are met, including but not limited to:

- A. Modification of materials;
  - B. Additional building setbacks;
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- C. Additional landscaping;
- D. Height and area limitations of structures;
- E. Limited vehicular access;
- F. Walls, fences and screening devices;
- G. Noise attenuation construction;
- H. Any other restriction necessary to protect adjacent properties, preserve neighborhood character, or mitigate adverse impacts; or
- I. Any other conditions that are found to be necessary to ensure that the provisions of the general plan and this code are met. [Ord. 14-12 § 1; Res. 14-36 § 505.08.]

### **18.155.090 Expiration and extension – Modification – Revocation.**

- A. A development review permit granted pursuant to this chapter shall expire if it has not been exercised or if a building permit has not been issued within two years of the date of the approval, or within the time stipulated, whichever is longer. A one-time extension may be approved by the planning and zoning commission, upon recommendation by the zoning administrator, after a completed application to extend, and fee is submitted.
- B. A minor modification of a development review permit granted pursuant to this chapter may be approved by the initial approval authority, or as otherwise specified in this code. If the modification is deemed a changed plan, including changes in conditions of approval, it shall be treated as a new application.
- C. A development review permit granted pursuant to this chapter may be suspended, revoked, or modified, upon a finding that any condition, stipulation, or term of the approval of the permit has been violated.

### **18.155.100 Appeals.**

A development review permit is subject to appeal in accordance with MCC [18.140.140](#).

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